

1 SCOTT N. SCHOOLS (SCSBN 9990)  
2 United States Attorney

3 MARK L. KROTOSKI (CASBN 138549)  
4 Chief, Criminal Division

5 BENJAMIN T. KENNEDY (CASBN 241350)  
6 Assistant United States Attorney

7 150 Almaden Boulevard  
8 San Jose, California 95113  
9 Telephone: (408) 535-5059  
10 Facsimile: (408) 535-5066  
11 Email: benjamin.t.kennedy@usdoj.gov

12 Attorneys for the United States of America

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA, ) No. CR 07-00302 RMW  
18 Plaintiff, ) STIPULATION AND [PROPOSED]  
19 v. ) ORDER EXCLUDING TIME FROM MAY  
20 FELISARDO OLIVAS-LEYVA, ) 30, 2007 TO JUNE 25, 2007 FROM THE  
21 Defendant. ) SPEEDY TRIAL ACT CALCULATION  
22 ) (18 U.S.C. § 3161(h)(8)(A))  
23 )  
24 )  
25 )

26 On May 30, 2007 the parties appeared for a hearing before this Court. At that hearing,  
27 defense counsel requested an exclusion of time under the Speedy Trial Act based upon defense  
28 counsel's need to effectively prepare by reviewing the defendant's A file and other discovery  
materials submitted by the government. At that time, the Court set the matter for a hearing on  
June 25, 2007.

The parties stipulate that the time between May 30, 2007 and June 25, 2007 is excluded  
under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
continuance would unreasonably deny defense counsel reasonable time necessary for effective  
preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

1 ends of justice served by granting the requested continuance outweigh the best interest of the  
2 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
3 U.S.C. §3161(h)(8)(A).

4

5 DATED: June 1, 2007

SCOTT N. SCHOOLS  
United States Attorney

6

7

/s/  
BENJAMIN T. KENNEDY  
Assistant United States Attorney

8

9

10

11

/s/  
JAY RORTY  
Assistant Federal Public Defender

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between May 30, 2007 and June 25, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

---

RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE